

#370-16 (OAL Decision: Not yet available online)

SEVGI POLSUK GILROY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF BLOOMFIELD :
ESSEX COUNTY, :
RESPONDENTS. :

SYNOPSIS

Petitioner – a non-tenured staff member formerly employed by the respondent Board – challenged the non-renewal of her employment as a teacher in respondent’s schools. Petitioner was employed by the school district during the 2013-2014 school year, but her contract was not renewed for the following year. Petitioner filed an appeal on September 8, 2014, seeking a statement of reasons and a *Donaldson* hearing for the purpose of making her case for continued employment in the district. The matter was transmitted to the Office of Administrative Law in October 2014, and two subsequent hearing dates were adjourned as the parties engaged in settlement discussions. The parties reached an agreement that petitioner would be given a statement of reasons and a *Donaldson* hearing, even though two years had already passed since her non-renewal; they further agreed that upon completion of the hearing, the within appeal would be dismissed or withdrawn – irrespective of the outcome of the hearing. Petitioner received the statement of reasons in April 2016 and participated in a *Donaldson* hearing in June 2016, but subsequently refused to dismiss or withdraw the appeal. The respondent Board filed a motion to dismiss on the basis of mootness.

The ALJ found, *inter alia*, that: courts normally do not entertain cases when a controversy no longer exists, and the disputed issues have become moot; a case is moot when the original issue presented has been resolved; in the instant matter, petitioner requested relief that included a statement of reasons and a *Donaldson* hearing; and the parties reached an agreement whereby petitioner received a statement of reasons and a *Donaldson* hearing. The ALJ concluded that the original issue in this matter has been resolved, and further proceedings would have no practical effect; accordingly, the matter is moot, and the petition was dismissed with prejudice.

Upon careful review, the Commissioner adopted the Initial Decision of the OAL as the final decision in this matter for the reasons stated therein, and dismissed the petition with prejudice.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

October 25, 2016

OAL DKT. NO. EDU 13495-14
AGENCY DKT. NO. 243-9/14

SEVGI POLSUK GILROY, :
 :
 PETITIONER, : COMMISSIONER OF EDUCATION
 :
 V. : DECISION
 :
 BOARD OF EDUCATION OF THE :
 TOWNSHIP OF BLOOMFIELD :
 ESSEX COUNTY, :
 :
 RESPONDENTS. :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the issue became moot once the Board provided petitioner with a statement of reasons and a *Donaldson* hearing. Accordingly, the recommended decision of the ALJ is adopted for the reasons expressed therein and the petition is dismissed with prejudice.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: October 25, 2016

Date of Mailing: October 26, 2016

* This decision may be appealed to the Superior Court, Appellate Division, pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).